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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
RAMON DESAGE, ET AL.,)
)
Defendant.)
_____)

Case No. 2:13-CR-00039-JAD-VCF

**STIPULATION TO CONTINUE
SPECIFIC MOTION DEADLINES
(First Request)**

IT IS HEREBY STIPULATED and agreed, by and between, RAMON DESAGE, Defendant,
by and through his counsel RICHARD B. HERMAN, ESQUIRE, and RICHARD A. WRIGHT,
ESQUIRE, and DANIEL G. BOGDEN, United States Attorney, by PATRICK BURNS and LISA
C. CARTIER GIROUX, Assistant United States Attorneys; and PETER AKARAGIAN, Defendant,
by and through his counsel ANTHONY P. SGRO, ESQUIRE; and GARY PARKINSON, Defendant,
by and through his counsel THOMAS F. PITARO, ESQUIRE; and WILLIAM RICHARDSON,
Movant, by and through his counsel DAVID Z. CHESNOFF, ESQUIRE, and RICHARD A.
SCHONFELD, ESQUIRE, as follows:

///

1 Defendant Ramon Desage shall have to and including September 28, 2016, by the hour of
2 4:00 p.m., within which to file his response in Opposition to the Government's Appeal of
3 Magistrate's Order Granting Defendant Desage's Motion for Discovery of Tax Returns (ECF No.
4 182), and in Opposition to William Richardson's Motion for Relief Under the Crime Victim Rights
5 Act (18 U.S.C. 3771) (ECF No. 121) and Richardson's Supplemental Brief (ECF No. 184).

6 This Stipulation is entered into for the following reasons:

7 1. By Order dated August 5, 2016 (ECF No. 177), the Court gave the government until
8 August 12, 2016, to file a "new, complete appeal . . ." of the Magistrate Judge's Discovery Order.
9 The government filed a new appeal on that date.

10 2. Also on August 12, 2016, William Richardson, who had previously sought to
11 intervene as a crime victim, brought a motion seeking leave to file supplemental briefing (ECF No.
12 184.) The Court granted that motion (ECF No. 186), allowing Mr. Desage until August 29, 2016,
13 to file a response if he chooses, which Desage intends to do.

14 3. The parties agree that Defendant Desage should have additional time of
15 approximately 30 days, until September 28, 2016, to file his response(s) to the new government
16 appeal and Mr. Richardson's briefing. Both pleadings raise new matters which require additional
17 legal research and factual investigation and 14 days is insufficient for this.

18 4. The parties further agree that the government and Mr. Richardson shall have seven
19 (7) days from the service of Mr. Desage's response to file any reply briefs.

20 5. Counsel have been engaged in ongoing negotiations toward a resolution of the case.
21 Counsel for Desage has had numerous meetings with Government counsel and anticipate that
22 negotiations may continue.

23 6. Failure to grant this request for continuance would deny Defendants the opportunity
24 to properly present their case at trial and the opportunity to negotiate a resolution.

25 7. Additionally, continuance of the current dates is appropriate in order to promote the
26 goals set forth under 18 U.S.C. § 3161(h)(7)(A), which provides that a court may grant a continuance
27 on the basis of finding that the "ends of justice" served by a continuance outweigh the best interest
28 of the public and the Defendant's in a speedy trial.

8. Additionally, denial of this request for continuance would result in a miscarriage of justice.

9. For all of the above stated reasons, the ends of justice would be best served by a continuance of the specific motions and response deadlines to September 28, 2016, with replies due a week later.

DATED: August 26, 2016

WRIGHT STANISH & WINCKLER

DANIEL BOGDEN

United States Attorney

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
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 Plaintiff,)
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 vs.)
 RAMON DESAGE, ET AL.,)
)
 Defendant.)
 _____)

CASE NO. 2:13-CR-00039-JAD-VCF

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

FINDINGS OF FACT

Based upon the pending Stipulation of the parties and good cause appearing therefore, the Court finds that:

1. By Order dated August 5, 2016 (ECF No. 177), the Court gave the government until August 12, 2016, to file a “new, complete appeal . . .” of the Magistrate Judge’s Discovery Order. The government filed a new appeal on that date.

2. Also on August 12, 2016, William Richardson, who had previously sought to intervene as a crime victim, brought a motion seeking leave to file supplemental briefing (ECF No. 184.) The Court granted that motion (ECF No. 186) , allowing Mr. Desage until August 29, 2016, to file a response if he chooses, which Desage intends to do.

3. The parties agree that Defendant Desage should have additional time of approximately 30 days, until September 28, 2016, to file his response(s) to the new government appeal and Mr. Richardson’s briefing. Both pleadings raise new matters which require additional legal research and factual investigation and 14 days is insufficient for this.

4. The parties further agree that the government and Mr. Richardson shall have seven (7) days from the service of Mr. Desage’s response to file any reply briefs.

///

5. Counsel have been engaged in ongoing negotiations toward a resolution of the case. Counsel for Desage has had numerous meetings with Government counsel and anticipate that negotiations may continue.

CONCLUSIONS OF LAW

1. Failure to grant this request for continuance would deny Defendants the opportunity to properly present their case at trial and the opportunity to negotiate a resolution.

2. Additionally, continuance of the current dates is appropriate in order to promote the goals set forth under 18 U.S.C. § 3161(h)(7)(A), which provides that a court may grant a continuance on the basis of finding that the “ends of justice” served by a continuance outweigh the best interest of the public and the Defendant’s in a speedy trial.

3. Additionally, denial of this request for continuance would result in a miscarriage of justice.

4. For all of the above stated reasons, the ends of justice would be best served by a continuance of the specific motions and response deadlines to September 26, 2016, with replies due a week later.

ORDER

Based on the Stipulation between counsel, and the Government, and good cause appearing therefore, the Court hereby orders that responses in Opposition to the Government’s Appeal of Magistrate’s Order Granting Defendant Desage’s Motion for Discovery of Tax Returns (ECF No. 182) and William Richardson’s Motion for Relief Under the Crime Victim Rights Act (18 U.S.C. 3771) (ECF 121), and Supplement Brief Regarding Objection to Magistrate’s Order (ECF No. 184 and 184-2) shall be due on September 28, 2016, and that any replies shall be filed within seven (7) days of service of the responses.

DATED: August 30, 2016.


JENNIFER A. DORSEY
DISTRICT COURT JUDGE